

**DEFENDANTS' OBJECTIONS TO THE
DECLARATION OF AHARON (RONNIE) YARON**

EVIDENCE	OBJECTION	RULE
¶ 4: "In-Q-Tel, however could not invest U.S.-defense dollars in an Israeli-based company. . . . However, due to the fact that Skyline Software Systems, Ltd. was not a U.S.-based company, the NGA issued a 'sunset policy' requiring that, within one year, it would remove all Skyline products from their network and would not allow anyone using Skyline to access their network."	Foundation/Speculation Hearsay	Fed. R. Evid. 602 Fed. R. Evid. 802
¶ 5: "In light of Skyline's incorporation in the United States, the NGA rescinded the 'sunset policy.'"	Foundation/Speculation Hearsay	Fed. R. Evid. 602 Fed. R. Evid. 802
¶ 6: "After deciding it could not invest in Skyline Software Systems, Ltd. because it was not based in the United States . . ."	Foundation/Speculation Hearsay	Fed. R. Evid. 602 Fed. R. Evid. 802
¶ 6: "On information and belief, I understand that In-Q-Tel asked Keyhole to attempt to replicate Skyline's product given the NGA's ongoing need for Skyline's patented technology and the 'sunset policy' issued by the NGA at that time. I also understand that Keyhole was asked to mirror or copy Skyline's product using the In-Q-Tel/NGA investment."	Foundation/Speculation	Fed. R. Evid. 602
¶ 7: "The products offered by Skyline and Keyhole were comparably priced, with a low-end viewer product costing several hundred dollars to high-end enterprise solutions priced in the tens of thousands of dollars."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 8: "As a result, millions of users a day are able to download the Google Earth software and use the free and or [sic] low-cost Google Earth product to view 3D images around the globe. These users are becoming familiar and accustomed to Google/Keyhole's graphic user interface and features."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703

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¶ 8: "This consumer familiarity and market penetration will make it more difficult to convince users later to switch to an alternative vendor, such as Skyline. The apparent purpose of Defendants' marketing efforts is to saturate the market, make the Google/Keyhole brand synonymous with 3D visualization, and to eliminate its competitors."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 9: "The same is true of the Defendants' commercial application, Google Earth Pro."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 9: "Of course, as a billion dollar entity, Google's marketing reach and budget, particularly for this product, are significant."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 10: "Google/Keyhole has also been aggressively moving into the defense sector."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 10: "Skyline has been informed by several of its defense contractors that Google/Keyhole is making sales pitches and product demonstrations to government contractors and that Defendants are significantly expanding their sales forces in those markets."	Foundation/Speculation Hearsay	Fed. R. Evid. 602 Fed. R. Evid. 802
¶ 10: "... on information and belief, I understand that these products are priced in the tens of thousands of dollars."	Foundation/Speculation	Fed. R. Evid. 602
¶ 10: "Defendants' Google Earth Enterprise Solutions products ... are based on Skyline's proprietary and patented invention and technology."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 11: "In addition to expansive invasion of the marketplace, I understand that Google has also entered into an exclusive licensing arrangement with DigitalGlobe, a high resolution that [sic] satellite data and information provider."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703

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¶ 11: "DigitalGlobe is the premier provider of high resolution satellite imagery, and the recognized source of high resolution image data for this application. While there are a few other providers of satellite imagery, none have the high resolution data held by DigitalGlobe (and now Google/Keyhole). The result of Google/Keyhole's relationship with DigitalGlobe effectively forecloses Skyline ability to obtain the most current, high resolution satellite imagery for us in its 3D terrain imaging products."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 12: "Defendants have been able to enter (and now dominate) the 3D imaging market based [<i>sic</i>] and reap the benefits of Skylines patented invention by infringing the '189 Patent."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 15, in its entirety ¹	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703

¹ "Defendants' Google Earth products perform in this same way. I have reviewed Google Earth products and certain of their user manuals and publicly available descriptions of their products. Google Earth users are able to specify particular coordinates in the terrain (such as a city or street location) and then zoom into view high resolution terrain data without experiencing any delay while the client receives the terrain data from the server. This process is best illustrated by the series of screen shots attached as Exhibit 10 to the Hameline Declaration, which shows the user interface of the Google Earth product, with a location in the terrain selected at a desired zoom level, and specifically showing the progressively higher resolutions being rendered as higher resolution data blocks are streamed to the client from a remote server providing DigitalGlobe data. In the first screen shot, the data blocks are at a low level resolution, which is retrieved from local memory. As a result the image appears blurry. In the subsequent screen shots, data blocks containing higher resolution levels have been streamed to the client from the remote server and the rendered image appears to sharpen and become more defined. By the fourth screen shot, data blocks containing the highest resolution levels have been downloaded and the user is able to view highly defined terrain images. Even though the Google Earth product has rendered some form of the 3D terrain on screen in the earlier frames, the Streaming status bar near the lower center of the screen indicates that the Google Earth client continues to receive streamed data from the server, thereby allowing the higher resolution images in the latter frames. The Google Earth products perform this operation in the manner described in the '189 Patent. For comparison with the Google Earth infringing product described above. Exhibit 9 to the Hameline Declaration shows a similar set of screen shorts from the Skyline system, which embodies the inventions of the '189 Patent, and which receives successively higher resolution data blocks to render an image of a selected location representing 3D terrain." Declaration of Aharon Yaron ¶ 15.

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¶ 16: "By reaping the benefits of Skyline's patented invention, Google/Keyhole have been able to market their product aggressively to consumers."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 16: "The result of Google/Keyhole's action have been to impair significantly and immediately Skyline's ability to conduct its business."	Impermissible Lay/Expert Opinion	Fed. R. Evid. 701-703
¶ 16: "Google/Keyhole has been using Skyline's patented technology, which Keyhole refined using funds earmarked for it to mirror Skyline's product."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 16: "Google has now invested its enormous marketing process and presence on [sic] an effort to eliminate Skyline from the market."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 16: "At virtually every sales opportunity, Skyline is told that Google has visited or is scheduled to visit that potential client. Customers ask why they should purchase from a small company as opposed to a billion dollar entity that is offering the product at a greatly discounted rate."	Foundation/Speculation Hearsay	Fed. R. Evid. 602 Fed. R. Evid. 802
¶ 17: "After a customer has begun to use a particular software product, and has grown accustomed to the features and graphical user interface, it is very difficult to convince them to change. In addition, Google/Keyhole is depressing the price point and attempting to saturate the market with a lower priced product."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 17: "At the same time, Google has entered into exclusive arrangement with the vendor of highest quality commercial satellite data."	Foundation/Speculation	Fed. R. Evid. 602
¶ 17: "All of these efforts are having an immediate effect and I believe will cause Skyline irreparable harm."	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703